IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 124 OF 2003.

Dr.Praful B. Desai. ... Petitioner.

Versus.

P.C.Singhi and others. ... Respondents.

Shri Suresh S.Pakale for the Petitioner.

Shri N.P.Deshpande for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 15th June, 2007.

P.C.:

1. Heard the learned Counsel appearing for the parties. The contempt alleged in this Contempt Petition is alleged breach of an undertaking dated 16th February 1998 given by the 1st Respondent. The undertaking is to the effect that the 1st Respondent will not give any interview or write any article in respect of the merits or demerits of the pending Civil and Criminal proceedings filed by him against the Petitioner. The allegation made in the contempt petition is that in breach of the said undertaking, the 1st Respondent gave an interview to the 2nd Respondent which has been published in a magazine on 3rd February 2003.

2. The learned Counsel for the 1st Respondent has tendered an affidavit of the 1st Respondent. The 1st Respondent is stated to be personally present in the Court. The 1st Respondent in the said affidavit has assured that he is bound by the undertaking which is the

subject matter of this contempt petition. He has undertaken that he shall continue to abide by the said undertaking in future. He has tendered an unconditional apology for publication of the article on the basis of which the present contempt petition has been filed. He has assured the Court that he will comply in letter and spirit the terms of his undertaking.

3. The age of the Respondent as of today is 80 years. He has come forward to tender an unconditional apology and has given an undertaking to abide by the undertaking given by him earlier.

4. The statements and the undertaking given by the 1st Respondent in his affidavit dated 15th June 2007 (marked "X" for identification) are accepted.

5. Considering what is stated in the aforesaid affidavit and considering the fact that the present age of the Respondent is 80 years, it is not necessary to take any further action against the 1st Respondent. Accordingly notice issued to the 1st Respondent is discharged and the contempt petition is disposed of.

Judge.